

H.B. 135

Ohio House Unanimously Approves Bill to Help Patients

On March 30, the Ohio House voted without opposition (86-0) to approve HB 135, legislation supported by over 60 patient advocacy and health care provider groups that will address the ongoing discriminatory and unpredictable practices of health plans and PBM's regarding mandated, rising out-of-pocket expenses for patients. This important bipartisan legislation is sponsored by Representatives Susan Manchester (R-Waynesfield) and Thomas West (D-Canton).

Background

When it comes to medication coverage, health plans continue to shift the cost burden to patients through:

- High deductible or co-insurance;
- Multi-tiered formularies with specialty drugs in the highest cost-sharing category.

Many drug manufacturers, as well as health foundations and charities help patients with assistance programs that cover additional costs patients are required to pay. These programs are critical for patients with chronic, complex conditions. Co-pay or third-party assistance programs can include cash funding, as well as co-pay cards that patients use to cover out-of-pocket costs.

Why is it crucial that HB 135 pass?

HB 135 simply directs health plans and PBM's to apply all methods of third-party financial assistance by either the patient or on the patient's behalf (through some form of assistance program) to their mandated cost-sharing obligation.

Insurance companies are refusing to count co-pay assistance payments toward patients' deductibles. While each insurer has their own name for these policies, they are commonly referred to as "co-pay accumulator adjustments." Patients are required to pay an increasing amount of out-of-pocket money at the beginning of their plan year before the plan provides coverage. By not counting the assistance toward a patient's cost-sharing, plans target those who need help. Even more disturbing is that accumulator adjustment

programs double-dip. The plans keep the assistance payment in addition to any co-pays paid directly by the patient while in the deductible phase.

What HB 135 DOES NOT do!

While HB 135 assists patients in meeting their ever-rising out-of-pocket expenses, it is also crucial to identify what this important legislation DOES NOT do:

- Prohibit the use of generic medications by the health plans or PBM;
- Raise Health Care Premiums for Employers;
- Require any health plan or PBM to cover a specific drug if third-party assistance is utilized by the patient;
- Interfere with a health plan from managing its drug coverage as it does under current law (HB 135 only requires that the value of third-party assistance from other sources be applied to reducing those out-of-pocket expenses).

Please support this legislation that helps patients

Ohioans need health insurers to count ALL payments and not discriminate against those patients living with a chronic condition or battling a life-threatening illness. When patients share of prescription costs becomes too high, many may skip doses or stop taking medication entirely, leading to higher medical costs down the road, in terms of hospitalizations, ER visits, and long-term health issues.

15 states and Puerto Rico have passed patient protection laws by addressing copay accumulator policies. More than a dozen other states have pending legislation. This law is compliant with federal regulations.



Please see backside for complete list of supporters.

The following organizations support efforts to stop discriminatory policies:

American Association of Clinical Urologists	National Eczema Association
AIMED Alliance	National Hemophilia Foundation
Allergy & Asthma Network	National Infusion Center Association
Alliance for Patient Access	National Multiple Sclerosis Society
American Autoimmune Related Diseases Association	National Organization for Rare Disorders
American Cancer Society Cancer Action Network	National Organization of Rheumatology Managers
American Diabetes Association	National Psoriasis Foundation
Arthritis Foundation	Northern Ohio Hemophilia Foundation
American Heart Association	Ohio Academy of Family Physicians
American Kidney Fund	Ohio Academy of Nutrition and Dietetics
American Liver Foundation	Ohio Association of Rheumatology
American Society of Clinical Oncologists	Ohio Bleeding Disorders Council
American Urological Association	Ohio Chapter, American Academy of Pediatrics
Association of Women in Rheumatology	Ohio Chapter of American College of Cardiology
BioOhio	Ohio Chapter of the National Association of Pediatric Nurse Practitioners
Cancer Support Community Central Ohio	Ohio Dermatological Association
Chronic Care Policy Alliance	Ohio Foot and Ankle Medical Association
Chronic Disease Coalition	Ohio Gastroenterology Society
Coalition of State Rheumatology Organizations	Ohio Hematology Oncology Society
Community Oncology Alliance	Ohio Osteopathic Association
Crohns & Colitis Foundation	Ohio Pharmacists Association
Crohn's Colitis Foundation – Central Ohio	Ohio Psychiatric Physicians Association
Epilepsy Foundation	Ohio Psychological Association
Equitas Health	Ohio Sickle Cell and Health Association
Gaucher Community Alliance	Ohio State Grange
Global Healthy Living Foundation	Ohio State Medical Association
HIV+HEP Policy Institute	Pharmacists United in Truth & Transparency
Immune Deficiency Foundation	Pompe Alliance
Infusion Access Foundation	Rare Action Access Project
Little Hercules Foundation	Spondylitis Association of America
Lupus and Allied Diseases Association, Inc.	Susan G. Komen Foundation
Mental Health & Addiction Advocacy Coalition	The AIDS Institute
Mental Health America of Ohio	The Academy of Medicine of Cleveland and Northern Ohio
National Alliance on Mental Illness – Ohio	

- **Copy assistance ensures that patients with expensive, chronic conditions can afford their medicines even with the growing out-of-pocket costs that insurers require. Copy accumulator adjustment policies remove that safety net. In 2022, 9 out of 10 payers in Ohio have discriminatory copy accumulator programs.¹**

- **Research from The AIDS Institute indicates that state laws requiring issuers and PBMs to include copy assistance toward a beneficiary's cost-sharing responsibility are not causing premium rates to increase across the board.²**

¹ The AIDS Institute, "Discriminatory Copay Policies Undermine Coverage for People with Chronic Illness," 2022, https://aidsinstitute.net/documents/final_TAI_2022-Report-Update_020122.pdf

² The AIDS Institute, *2021 Health Plan Premium Rate Change Analysis: Arizona and Virginia*, (February, 2021), <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:e00e2bb0-8c90-3913-a3b5-7e71d626b728>